

Message Text

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ACTION EB-08

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PASS AGRICULTURE AND STR ELECTRONICALLY

E.O. 11652: NA
TAGS: ETRD, EAGR, JA
SUBJ: MINISTER NAKAGAWA'S VISIT

1. FOLLOWING IS LIST OF TRADE ISSUES DISCUSSED SEPTTEL
ON WHICH GOJ COULD TAKE UNILATERAL ACTION TO FACILITATE
SUCCESSFUL CONCLUSION OF MTN NEGOTIATIONS IN AGRICULTURE.

2. SEMEN: IMPORTS OF SEMEN INTO JAPAN OTHER THAN FOR
RESEARCH ARE CURRENTLY PROHIBITED AND TESTING REQUIRE-
MENTS EVEN FOR RESEARCH SEMEN ARE SO STRINGENT AS TO
MAKE SALES NEARLY IMPOSSIBLE. WHILE THERE MAY SEEM TO
BE GOOD REASON TO PROTECT DOMESTIC STUDS FROM SEMEN
COMPETITION, POTENTIAL OVERALL BENEFITS TO LIVESTOCK
INDUSTRY FROM SEMEN IMPORTS FAR OUTWEIGH BENEFITS OF
PROTECTION.

3. FREEZE DRIED BEEF: DRIED BEEF IS AN AA ITEM. IN
RESPONSE TO DEVELOPMENT OF NEW PROCESSES FOR FREEZE DRY-
ING BEEF, MAFF HAS DETERMINED ADMINISTRATIVELY THAT BEEF
MUST BE DRIED BY HEAT TO QUALIFY FOR AA ENTRY. THIS
ADMINISTRATIVE RULING FORECLOSES ANY POSSIBILITY TO
DEVELOP TRADE IN FREEZE DRIED BEEF.

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4. TRANSVERSUS ABDOMINUS: AS MATTER OF POLICY, MAFF IS
NOT PREPARED TO RECOMMEND REVISION OF TARIFF SCHEDULES
TO PERMIT AA ENTRY OF THIS ITEM DESPITE FACT THAT IT IS
HANDLED IN THE SAME WAY AS DIAPHRAGM MEAT AND USED FOR
SAME PURPOSES IN U.S. FURTHER OVER PAST TWO YEARS,
JAPANESE MARKET HAS ADJUSTED TO PRESENCE OF THIS ITEM.

CONTINUED IMPORTS WOULD NOT ADVERSELY AFFECT DOMESTIC SUPPLY/DEMAND SITUATION FOR BEEF. CUT-OFF OF THIS TRADE WOULD ERODE VALUE OF ANY OTHER CONCESSIONS JAPAN MAY MAKE ON BEEF IMPORTS.

5. DIAPHRAGM MEAT: MAFF HAS DETERMINED ADMINISTRATIVELY THAT DIAPHRAGM MEAT MUST BE IMPORTED IN AN "AS IS" FORM SO THAT IT CAN BE IDENTIFIED AS DIAPHRAGM MEAT VISUALLY. THIS CALLS INTO QUESTION THE INTEGRITY OF U.S. MEAT EXPORT CERTIFICATIONS. IN ADDITION, IT PRECLUDES PROCESSING SUCH MEAT IN U.S. TO INCREASE VALUE ADDED AND RESERVES TO JAPANESE PROCESSORS RIGHT TO ALTER THIS PRODUCT TO INCREASE ITS VALUE AT RESALE AND ITS ACCEPTABILITY TO END USERS.

6. HEAD AND CHEEK MEAT AND TAILS: THIS MEAT IS SUBJECT TO IQ WHEN IMPORTED, BUT TRADE SOURCES ADVISE DOMESTIC HEAD AND CHEEK MEAT AND TAILS ARE HANDLED AS OFFALS. IF THIS IS CORRECT, IQ SYSTEM DISCRIMINATES AGAINST IMPORTS AND COULD POTENTIALLY BE GATT ISSUE. SINCE IMPORTED HEAD AND CHEEK MEAT AND TAILS WOULD ALSO VERY LIKELY BE HANDLED AS OFFALS IF ADMITTED AS AA ITEM, REVISION OF THE IQ SYSTEM TO PERMIT AA ENTRY OF THESE ITEMS SHOULD NOT AFFECT THE DOMESTIC SUPPLY/DEMAND SITUATION FOR BEEF.

7. MANUFACTURING PORK: ALTHOUGH THE U.S. HAS MADE A UNCLASSIFIED

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TARIFF REQUEST ON PORK, IT SHOULD ALSO BE POINTED OUT THAT CURRENT ADMINISTRATION OF VARIABLE LEVY SYSTEM DISCRIMINATES AGAINST LOW PRICED PORK AND HAS CAUSED SUBSTANTIAL DROP IN U.S. SHARE OF PORK IMPORT MARKET.

8. WASH CLEANERS FOR SCALDED MOUNTAIN CHAIN TRIPE: IN U.S. CERTAIN CHEMICALS WHICH ARE PROHIBITED IN JAPAN ARE ROUTINELY USED IN WASH CLEANERS FOR SCALDED MOUNTAIN CHAIN TRIPE. DESPITE ASSURANCE FROM USDA THAT THESE CHEMICALS ARE WASHED AWAY IN THE CLEANING PROCESS, MHW IS NOT WILLING TO ADMIT TRIPE WHICH HAS BEEN WASHED WITH NORMAL U.S. PROCESS. WHILE THERE IS ALWAYS POSSIBILITY THAT TRACE AMOUNTS OF PROHIBITED CHEMICALS MAY REMAIN, MHW RULING IS CONSIDERED UNREASONABLE BECAUSE THERE IS NO EVIDENCE THAT POTENTIAL AMOUNT OF RESIDUE IS HARMFUL TO HUMAN HEALTH.

9. CALF MILK REPLACER: BECAUSE OF WAY TARIFF IS FIGURED DUE TO PRESENCE OF NFDM IN CALF MILK REPLACERS, THIS ITEM IS SUBJECT TO CONFISCATORY DUTY OF UP TO 200 PERCENT OF IMPORTED VALUE, DEPENDING ON PERCENT OF LACTOSE CONTENT.

10. LIMITED QUARANTINE SPACE: LIMITATIONS ON QUARANTINE SPACE AND MAFF UNWILLINGNESS TO ALLOW SOME FLEXIBILITY IN SHORT HAUL TRUCKING TO MAKE BEST USE OF AVAILABLE QUARANTINE SPACES RESTRICTS TRADE IN BREEDING ANIMALS AND SLAUGHTER CATTLE. NON-AVAILABILITY OF CHITOSE AS PORT OF ENTRY FOR LIVESTOCK FLIGHTS INCREASES COSTS INORDINATELY AND THUS REDUCES POTENTIAL SALES. AT TIMES CATTLE DESTINED FOR HOKKAIDO MUST BE QUARANTINED IN FUKUOKA AND THEN TRUCKED FOR 50 HOURS TO HOKKAIDO. STILL ANOTHER PROBLEM IS RECENT JCAB RULING THAT NAGOYA MAY NOT BE USED FOR TECHNICAL STOP FOR CATTLE FLIGHTS TO FUKUOKA.

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THIS FORCES A REDUCTION IN LOAD FACTORS WHICH MAKES THESE FLIGHTS ONLY marginally PROFITABLE. ONE SOLUTION WOULD BE TO PERMIT USE OF CHITOSE AS TECHNICAL STOP EVEN IF IT CANNOT BE OPENED SOON AS FULL FLEDGED PORT OF ENTRY WITH QUARANTINE FACILITIES. IF INSPECTORS WERE NEEDED FOR TECHNICAL STOPS THERE, IT IS LIKELY THAT CATTLE IMPORTERS OR EXPORTERS WOULD BE WILLING TO PAY COST OF FLYING INSPECTORS TO CHITOSE FROM OTHER JAPANESE AIRPORTS TO MEET AND INSPECT LIVESTOCK FLIGHTS MAKING TECHNICAL STOPS THERE.

11. ADMINISTRATIVE GUIDANCE ON EGGS: TRADE SOURCES INFORM US THAT MAFF IS AGGRESSIVELY URGING IMPORTERS TO REFRAIN FROM IMPORTING EGGS, PARTICULARLY EGG YOLKS. THIS

ACTIVITY IS AS MUCH A BARRIER TO TRADE AS TARIFFS OR QUOTAS AND DENIES US ACCESS WE COULD NORMALLY EXPECT WITHIN FRAMEWORK OF JAPAN'S TARIFF SCHEDULES AND OTHER PUBLISHED RESTRICTIONS.

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12. HIGHER DUTIES ON PRODUCTS CONTAINING SUGAR: AS EXAMPLE OF THIS PROBLEM, JAPAN LEVIES 25 PERCENT DUTY ON PEANUT BUTTER WITHOUT SUGAR AND 35 PERCENT DUTY ON PEANUT BUTTER WITH SUGAR. ONCE PEANUT BUTTER IS MANUFACTURED, IT IS IMPRACTICABLE AS FAR AS WE KNOW TO ADD SUGAR. THUS, HIGHER DUTY CONTRIBUTES NOTHING TO DOMESTIC SUGAR INDUSTRY AND ONLY SERVES TO RESTRICT IMPORTS OF PEANUT BUTTER.

13. SALMONELLA IN POULTRY: MHW HAS A ZERO TOLERANCE FOR SALMONELLA IN COMMINUTED POULTRY MEAT. WE CAN FIND NO JUSTIFICATION FOR THIS STRICT REQUIREMENT SINCE THE MEAT IS COOKED BY END USER. SINCE WE UNDERSTAND MHW OFFICIALS WILL MEET WITH U.S. OFFICIALS AT THE END OF NOVEMBER TO DEVELOP A REASONABLE STANDARD FOR SALMONELLA, WE MENTION THIS ITEM ONLY AS EXAMPLE OF A REGULATION WHICH HAS RESTRICTED TRADE WITHOUT CONTRIBUTING ANYTHING TO GOAL OF PROTECTING HUMAN HEALTH.

14. GRAPEFRUIT JUICE: LIBERALIZATION OF GRAPEFRUIT JUICE IMPORTS IS ONE OF OUR MTN REQUESTS. SUBJECT IS RAISED HERE ONLY AS EXAMPLE OF MEASURE WHICH SEEMS DESIGNED SOLELY TO PRESERVE THE POSSIBILITY OF MANUFACTURE OF GRAPEFRUIT JUICE TO JAPANESE FIRMS, SINCE GRAPEFRUIT IMPORTS ARE LIBERALIZED. THIS PREVENTS U.S. FIRMS FROM PROFITING FROM VALUE ADDED IN JUICE MANUFACTURE AND WOULD INCREASE THE PRICE OF JUICE CONSIDERABLY TO JAPANESE CONSUMERS WHENEVER JUICE WAS MANUFACTURED HERE BECAUSE IT IS MORE EXPENSIVE TO SHIP FRUIT THAN JUICE.

15. BIPHENYL: THE TOLERANCE FOR USE OF BIPHENYL ON CITRUS IS ONLY 70 PPM. OUR TOLERANCE IN THE U.S. IS 120 PPM AND IS CONSIDERED ADEQUATE TO PROTECT HUMAN HEALTH.

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16. CITRUS DRUMS: MHW REQUIRES THAT PLASTIC LINERS OF DRUMS FOR CITRUS JUICE BE HEAT-SEALED. THIS REQUIREMENT DATES BACK TO DAYS BEFORE REFRIGERATION WAS PREVALENT.

THIS PROCESS IS TIME CONSUMING AND MORE EXPENSIVE AND ACTUALLY INVOLVES FOOD SANITATION RISKS THAT ARE AVOIDED IN PROCESS USED FOR DRUMS FOR JUICE CONSUMED IN THE U.S.

17. CITRUS JUICE PACKAGING: MHW WILL NOT ACCEPT U.S. STANDARD CONSUMER FROZEN CONCENTRATED ORANGE JUICE CONTAINER. WE CANNOT IDENTIFY ANY JUSTIFIABLE HEALTH OR SANITATION EXPLANATION FOR MHW DECISION.

18. OPP LABELLING: LABELLING IS REQUIRED AT GROCERY COUNTERS SELLING OPP-TREATED FRUIT. THIS CAN GIVE CONSUMERS IMPRESSION THAT OPP IS UNSAFE WHEN IN FACT IT IS APPROVED FOR USE AT 10 PPM BY VIRTUALLY EVERY INDUSTRIALIZED COUNTRY IN WORLD INCLUDING JAPAN. SAME APPLIES FOR TBZ IF GOJ PLANS REQUIRE LABELLING.

19. BEVERAGE BASE: GOVERNMENT OF JAPAN LIBERALIZED BEVERAGE BASE IN 197L, BUT WE HAVE STILL NOT BEEN ABLE TO OBTAIN DEFINITION OF WHAT WAS LIBERALIZED. THUS, U.S. SUPPLIERS HAVE NOT BEEN ABLE TO EXPORT CITRUS JUICE BEVERAGE BASE TO JAPAN EVEN THOUGH FINAL DRINK PRODUCT WOULD CONTAIN LESS THAN 50 PERCENT JUICE.

20. QUOTAS NOT DISCLOSED: QUOTAS FOR FRUIT PUREE AND FRUIT PASTE AND SOME OTHER PRODUCTS ARE NOT DISCLOSED. THUS, THERE IS NO WAY FOR EXPORTERS TO DEVELOP THIS MARKET REALISTICALLY EVEN WITHIN QUOTA AMOUNT PERMITTED.

21. PLANT QUARANTINE: IMPORTS OF PEARS, PEACHES, QUINCES, NECTARINES, PLUMS, APRICOTS AND WALNUTS FROM THE U.S. ARE PROSCRIBED BECAUSE OF CODLING MOTH EVEN THOUGH CODLING MOTH ARE KNOWN TO INHABIT APPLES PRIMARILY. WE NEED MAFF UNCLASSIFIED

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COOPERATION TO PROCEED AS SOON AS POSSIBLE WITH DISCUSSIONS ON HOW THESE PRODUCTS CAN BE HANDLED SO THAT THEY CAN ENTER JAPAN

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22. CHERRIES: WHILE WE APPRECIATE MAFF/PQ COOPERATION ON CHERRIES, AT LEAST THREE THINGS ARE NEEDED TO FACILITATE TRADE IN THIS ITEM: (1) REDUCTION OF REQUIRED INSPECTION RATE. FIVE PERCENT IS HIGHER THAN NECESSARY FOR AN ADEQUATE SAMPLE. (2) ASSIGNMENT OF AN ADDITIONAL MAFF/PQ INSPECTOR. (3) APPROVAL OF LOWER TEMPERATURE FUMIGATION.

23. LETTUCE: ALTHOUGH APHIDS ARE REGULARLY FOUND IN LETTUCE IN BOTH U.S. AND JAPAN, MAFF/PQ REQUIRES LETTUCE BE FUMIGATED WHENEVER APHIDS ARE FOUND. THIS IS EXPENSIVE SINCE WRAPPER ON EACH HEAD OF LETTUCE MUST BE REMOVED PRIOR TO FUMIGATION, AND VALUE IN TERMS OF PLANT PROTECTION IS QUESTIONABLE SINCE APHIDS ARE ALREADY PRESENT IN JAPAN.

24. INDUSTRIAL CORN: TO PROTECT JAPANESE FARMERS WHO GROW SWEET POTATOES FOR STARCH, INDUSTRIAL CORN IMPORTS OUTSIDE OF TARIFF QUOTA ARE TAXED AT YEN 15,000/MT OR ABOUT 55 PERCENT A.V.E.

25. PROCESSED FOODS:

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- A. GENERAL: THERE IS CONSENSUS AMONG TRADERS THAT THERE IS "INVISIBLE BARRIER" RESTRICTING FOOD IMPORTS, COMPOUNDED BY UNREASONABLY RIGID FOOD SANITATION STANDARDS, WHICH PROHIBIT IMPORT OF MANY AMERICAN FOOD PRODUCTS. TRADERS BELIEVE THAT RECENTLY GOJ HAS ACTUALLY TIGHTENED ITS RESTRICTIVE REQUIREMENTS.

- WHEN IMPORTER WISHES TO IMPORT NEW PROCESSED FOOD PRODUCT, HE HAS SERIOUS DIFFICULTY FINDING OUT WHETHER PRODUCT MEETS EVERY ASPECT OF JAPANESE FOOD SANITATION LAW BECAUSE THERE IS NO CENTRAL OFFICE RESPONSIBLE FOR ANSWERING QUESTIONS.

- IMPORTERS NORMALLY VISIT FOOD SANITATION INSPECTORS AT A PORT AND DEPENDING ON OFFICER, MAY OR MAY NOT GET FULL ANSWER. WHEN IMPORTER WANTS A COMPLETE ANSWER, HE IS ASKED TO SUBMIT IN WRITING A COMPLETE AND DETAILED PRODUCTION FLOW CHART, SPECIFICATION OF EACH INGREDIENT USED AND IN SOME CASES, INFORMATION NECESSARY TO JUDGE WHETHER PRODUCTION FACILITIES MEET JAPANESE STANDARDS.
- IT IS DIFFICULT FOR U.S. EXPORTERS TO ANSWER ALL THESE QUESTIONS BECAUSE EXPORTERS, EVEN IF THEY ARE MANUFACTURERS, MAY BE BUYING SOME OF INGREDIENTS FROM OTHER MANUFACTURERS.
- U.S. EXPORTERS AND/OR MANUFACTURERS ARE IN MANY CASES RELUCTANT TO DISCLOSE COMPOSITION AND SPECIFICATION OF THE INGREDIENTS USED. FLEXIBILITY AND "RULE OF REASON" IS NEEDED WHICH WILL ALLOW FOR PROTECTION OF PROPRIETARY INFORMATION AND AT SAME TIME PERMIT GOJ TO ENSURE FOOD PRODUCTS MEET STANDARDS FOR HUMAN CONSUMPTION.

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- JAPANESE IMPORTERS HAVE GREAT DIFFICULTY IN CHECKING MARKETABILITY AND ELIGIBILITY FOR ENTRY INTO JAPAN OF NEW PRODUCTS BECAUSE EVEN FOOD SAMPLES ARE SUBJECT TO MEETING ALL REQUIREMENTS OF FOOD SANITATION LAW.
- JAPAN OPENED DOOR SOME TIME AGO FOR OTHER THAN SOLE AGENTS OF U.S. SUPPLIERS OF SPECIFIC BRAND FOOD PRODUCTS TO IMPORT SAME BRAND PRODUCTS. HOWEVER, EVEN WHEN IDENTICAL PRODUCTS ARE ALREADY BEING MARKETED IN JAPAN, FOOD SANITATION INSPECTORS REQUEST INFORMATION IN DETAIL ON ARTIFICIAL COLORS USED, ENRICHED FLOUR AND/OR STARCH AND PRESERVATIVES USED. SINCE THESE IMPORTERS NORMALLY DEAL WITH JOBBERS OR BROKERS RATHER THAN MANUFACTURERS, THEY CANNOT OBTAIN SUCH INFORMATION, WHICH NATURALLY INHIBITS IMPORTATION OF SUCH PRODUCTS.
- AT PRESENT, EITHER DATE OF MANUFACTURE OR DATE OF IMPORT IS TO BE INDICATED ON A STICKER PASTED ON CANS. TRADE SOURCE ADVISES THAT JAPANESE CANNED GOODS ASSOCIATION AND MAFF ARE JOINTLY STUDYING IMPOSITION OF REQUIREMENT THAT PRODUCTION DATES BE EMBOSSED ON ALL IMPORTED PRODUCTS. WE WOULD WANT OPPORTUNITY TO DISCUSS THIS REQUIREMENT BEFORE SUCH STANDARD IS ESTABLISHED.
- B. SPECIFIC EXAMPLES:

- (1) MODIFIED FOOD STARCH: NAMES OF ADDITIVES USED TO MODIFY THE STARCH AND THEIR AMOUNTS PLUS DESCRIPTION OF PRODUCTION METHOD ARE REQUIRED.
- (2) ENRICHED FLOUR AND/OR STARCH: NAMES OF ADDITIVES USED TO ENRICH THE PRODUCTS AND THEIR AMOUNTS ARE REQUIRED

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- (3) FRUIT AND/OR OTHER TYPE OF WINES, OTHER THAN GRAPE WINES: QUALITATIVE TESTING AT MHW-DESIGNATED LABORATORY IN JAPAN IS REQUIRED TO ENSURE THAT NO ADDITIVES ARE CONTAINED IN THEM EVEN THOUGH THE PRESENCE OF ADDITIVES IS NOT INDICATED ON LABELS.
- () MEAT PRODUCTS WITH SODIUM NITRATE, SODIUM NITRASE AND POTASSIUM: QUALITATIVE TESTING AT MHW-DESIGNATED LABORATORY IN JAPAN IS REQUIRED TO ENSURE THAT ABOVE ADDITIVES ARE BELOW PERMISSIBLE LEVEL (70 PPM AS NO2) EVEN WHEN PRODUCTS HAVE BEEN APPROVED IN U.S. AS MEETING THIS STANDARD.
- (5) LABELLING IN JAPANESE: LABEL IN JAPANESE MUST BE AFFIXED TO EACH PACKAGE OF IMPORTED PRODUCT EVEN WHEN IT IS TO BE USED FOR EXHIBIT. SIGN IN JAPANESE OF APPROPRIATE SIZE COULD BE ENOUGH TO COVER GROUP OF SIMILAR TYPES OF PRODUCTS AT LEAST FOR EXHIBITS. THIS LABELLING REQUIREMENTS IS TIME-CONSUMING AND MEANINGLESS.
MANSFIELD

NOTE BY OC/T: SECTIONS 2 AND 3 OF 4 TOKYO 15257 BEING

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